

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:23-CV-00541-M-BM

WILBERT B. RIGGIN,

Plaintiff,

v.

ATF & RALEIGH POLICE
DEPARTMENT,

Defendants.

ORDER

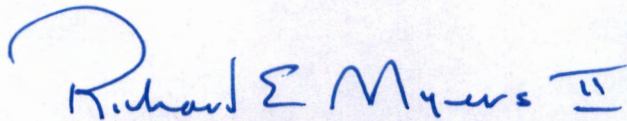
This matter comes before the court on the memorandum and recommendation (the “Recommendation”) entered by Magistrate Judge Brian S. Meyers in this case on July 18, 2024 [DE 19]. In the Recommendation, Judge Meyers recommends that the court grant Defendants’ motions to dismiss [DE 6; DE 8] and dismiss the Complaint [DE 1-1]. DE 19 at 2, 4, 6, 8-9. The Recommendation, along with instructions and a deadline for filing objections, was served on Plaintiff on July 18. *See id.* at 9. Plaintiff raised no objection to the Recommendation. *See* Docket Entries dated July 18, 2024, to present.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial*

Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the Recommendation and the record presented, and finding no clear error, the court ADOPTS the Recommendation [DE 19] of Judge Meyers as its own. For the reasons stated therein, the Defendants' motions to dismiss [DE 6; DE 8] are GRANTED and the Complaint [DE 1-1] is DISMISSED. The Clerk of Court is directed to close this case.

SO ORDERED this 6th day of August, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE